

Application No.: 09/991,333
Attorney Docket No.: TOK00-027
Response Dated: 20 June 2005
Reply for Office Action Dated: 21 December 2004

REMARKS

Claims 1-56 are pending in the application and stand rejected.

Independent Claims 1, 11, 21, 30, 38, 46, and 51 have been amended. Dependent Claims 15-17 and 19 have been amended. Claims 14 and 47 have been canceled. No new matter is added by the claim amendments. The claim amendments are fully supported by the original disclosure, e.g., Fig. 4; Page 25, lines 3-14; Page 30, lines 22 *et seq.*; Page 31, lines 7-13; Page 33, lines 6-15; Page 34, line 16 to Page 35, line 34.

Claims 1-7, 9-54, and 56 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,157,871 to Terranova.

Terranova does not disclose the continuous recording of images from camera 262 (Fig. 5) at least for the duration of a refueling operation associated with a refueling transaction.

Terranova principally provides camera 262 for the purpose of authenticating a customer, i.e., verifying identity. ("In this application, the microphone 258, in conjunction with the audio processing circuitry 260 or the camera 262, may function to provide ... an image of the customer to authenticate a transponder." Col. 28, lines 44-48.) Terranova notes that the image from camera 262 may be used for the additional purpose of drive-off prevention, by allowing the operator to compile identification information of the customer from the image originally taken for authentication purposes. (Col. 33, lines 4-65.)

Terranova does not disclose continuous recording of the video image from camera 262, much less that any recording is made continuously at least for the duration of a refueling operation. In one embodiment, Terranova discloses that microphone 258 and camera 262 may form an audio/video intercom. (Col. 28, lines 39-44.) However, it is not inherent from this

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combination that a continuous recording is made of the video images. In particular, a continuous recording feature is not necessarily present with the use of camera 262 in the exemplary intercom system. The chief purpose served by camera 262 (i.e., authentication of identity) may be met without any recording being made continuously for the duration of the refueling operation. The reference to a singular video image ("an image of the customer") appears to suggest, at best, that a singular image may be recorded (if at all) for identification purposes, but not that the recording is continuous at least for the duration of the refueling operation.

Based on the reasons Terranova provides for using camera 262, it is not seen that any continuous recording of video signals would be needed, regardless of the purpose served by camera 262, i.e., authentication of identity or compiling identification information if drive-off occurs. The purposes served by the video image from camera 262 are fully met by a single image, not a continuous recording that is made at least for the duration of the refueling operation.

By comparison, in one form of the invention, the recording is continuous to facilitate full capture of the entire refueling transaction, including the drive-off event, in order to assist in detecting occurrence of the drive-off event and to provide live footage of the drive-off event for law enforcement purposes (e.g., full motion video). (Page 32, lines 17-23; Page 33, lines 6-19.)

In view of the foregoing, Applicant believes that Claims 1-7, 9-54, and 56 (as amended) are patentable over Terranova, and respectfully requests that this rejection be withdrawn.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Terranova in view of U.S. Patent No. 6,011,901 to Kirsten.

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Applicant believes that Claim 8 is patentable over Terranova in view of Kirsten as it depends from patentably distinguishable base Claim 1 (as amended), and respectfully requests that this rejection be withdrawn.

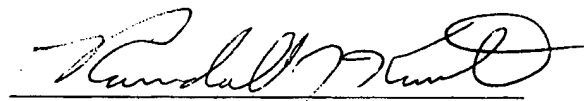
Claim 55 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Terranova in view of U.S. Patent No. 6,697,103 to Fernandez et al.

Applicant believes that Claim 55 is patentable over Terranova in view of Fernandez et al. as it depends from patentably distinguishable base Claim 51 (as amended), and respectfully requests that this rejection be withdrawn.

Applicant believes that the application is in condition for allowance and respectfully requests favorable action in accordance therewith.

If the Examiner has any questions or comments that would advance prosecution of this case, the Examiner is invited to call the undersigned at 260/484-4526.

Respectfully Submitted,



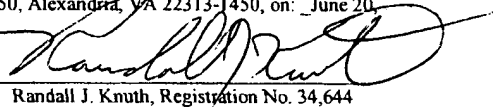
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RJK/jrw2
Enclosures: Amendments to the Claims
(11 Sheets)
Explanatory Cover Sheet - Page 1
Petition for Extension of Time
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on: June 20, 2005.



Randall J. Knuth, Registration No. 34,644

June 20, 2005

Date